



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Internal Management and Fiscal  
Responsibility Committee**

Thursday, December 15, 2005  
2:00 PM  
Commission Chamber

Charles Anderson, CPA  
Commission Auditor

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**Miami-Dade County Board of County Commissioners  
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**Legislative Analysis**

**Internal Management and Fiscal Responsibility Committee  
Meeting Agenda  
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Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

3(B)(2)	3(C)(2)
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Esq., Chief Legislative Analyst, at (305) 375-5469.

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**LEGISLATIVE ANALYSIS**

*ITEM 3(C)(2) RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE DISASTER RELIEF FUNDING AGREEMENT WITH THE STATE OF FLORIDA RELATED TO HURRICANE RITA UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT §§ 42 U.S.C. 5121-5206 (THE "STAFFORD ACT") AND ALL RELATED DOCUMENTS THROUGH HIS DESIGNATED AGENTS ON BEHALF OF THE COUNTY*

Finance Department

**I. SUMMARY**

This resolution authorizes the County Manager to enter into a disaster relief funding agreement (FEMA-3259-EM-FL) with the State of Florida, relating to reimbursement of costs associated with Hurricane Rita, in order to comply with the provisions of the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (the "Stafford Act").

**II. PRESENT SITUATION**

*The following are excerpts from "A Guide to the Disaster Declaration Process and Federal Disaster Assistance" (a publication by FEMA)*

In 1988, the Robert T. Stafford Disaster Relief and Emergency Assistance Act was enacted to support State and local governments and their citizens when disasters overwhelm them. This law, as amended, establishes a process for requesting and obtaining a Presidential disaster declaration, defines the type and scope of assistance available from the Federal government, and sets the conditions for obtaining that assistance. The Federal Emergency Management Agency (FEMA), now part of the Emergency Preparedness and Response Directorate (EPR) of the Department of Homeland Security, is tasked with coordinating the response.

**THE DECLARATION PROCESS**

The Stafford Act requires that: "All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State."

The Governor's request is made through the regional FEMA Emergency Preparedness and Response office. State and Federal officials conduct a preliminary damage assessment (PDA) to estimate the extent of the disaster and its impact on individuals and public facilities. This information is included in the Governor's request to show that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the local governments and that Federal assistance is necessary. Normally, the PDA is completed prior to the submission of the Governor's request. However, when an obviously severe or catastrophic event occurs, the Governor's request may be submitted prior to the PDA. Nonetheless, the Governor must still make the request.

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As part of the request, the Governor must take appropriate action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the results of the disaster, provide an estimate of the amount and severity of damage and the impact on the private and public sector, and provide an estimate of the type and amount of assistance needed under the Stafford Act. In addition, the Governor will need to certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements.

Based on the Governor's request, the President may declare that a major disaster or emergency exists, thus activating an array of Federal programs to assist in the response and recovery effort.

### **ASSISTANCE AVAILABLE**

Not all programs, however, are activated for every disaster. The determination of which programs are activated is based on the needs found during damage assessment and any subsequent information that may be discovered.

FEMA/EPR disaster assistance falls into three general categories:

- Individual Assistance - aid to individuals and households;
- Public Assistance - aid to public (and certain private non-profit) entities for certain emergency services and the repair or replacement of disaster-damaged public facilities;
- Hazard Mitigation Assistance - funding for measures designed to reduce future losses to public and private property.

Some declarations will provide only individual assistance or only public assistance. Hazard mitigation opportunities are assessed in most situations.

### **PUBLIC ASSISTANCE**

Public Assistance, oriented to public entities, can fund the repair, restoration, reconstruction, or replacement of a public facility or infrastructure, which is damaged or destroyed by a disaster.

Eligible applicants include State governments, local governments and any other political subdivision of the State, Native American tribes and Alaska Native Villages. Certain private nonprofit (PNP) organizations may also receive assistance. Eligible PNPs include educational, utility, irrigation, emergency, medical, rehabilitation, and temporary or permanent custodial care facilities (including those for the aged and disabled), and other PNP facilities that provide essential services of a governmental nature to the general public. PNPs that provide "critical services" (power, water--including water provided by

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an irrigation organization or facility, sewer, wastewater treatment, communications and emergency medical care) may apply directly to FEMA/EPR for a disaster grant. All other PNPs must first apply to the Small Business Administration (SBA) for a disaster loan. If the PNP is declined for a SBA loan or the loan does not cover all eligible damages, the applicant may re-apply for FEMA/EPR assistance.

As soon as practicable after the declaration, the State, assisted by FEMA/EPR, conducts the Applicant Briefings for State, local and PNP officials to inform them of the assistance available and how to apply for it. A Request for Public Assistance must be filed with the State within 30 days after the area is designated eligible for assistance. Following the Applicant's Briefing, a Kickoff Meeting is conducted where damages will be discussed, needs assessed, and a plan of action put in place. A combined Federal/State/local team proceeds with Project Formulation, which is the process of documenting the eligible facility, the eligible work, and the eligible cost for fixing the damages to every public or PNP facility identified by State or local representatives. The team prepares a Project Worksheet (PW) for each project. Projects fall into the following categories:

- Category A: Debris removal
- Category B: Emergency protective measures
- Category C: Road systems and bridges
- Category D: Water control facilities
- Category E: Public buildings and contents
- Category F: Public utilities
- Category G: Parks, recreational, and other

For insurable structures within special flood hazard areas (SFHA), primarily buildings, assistance from FEMA/EPR is reduced by the amount of insurance settlement that could have been obtained under a standard NFIP policy. For structures located outside of a SFHA, FEMA/EPR will reduce the amount of eligible assistance by any available insurance proceeds.

FEMA/EPR reviews and approves the PWs and obligates the Federal share of the costs (which cannot be less than 75 percent) to the State. The State then disburses funds to local applicants.

Projects falling below a certain threshold are considered 'small.' The threshold is adjusted annually for inflation. For fiscal year 2003, that threshold is \$53,000. For small projects, payment of the Federal share of the estimate is made upon approval of the project and no further accounting to FEMA/EPR is required. For large projects, payment is made on the basis of actual costs determined after the project is completed; although interim payments may be made as necessary. Once FEMA/EPR obligates funds to the State, further management of the assistance, including disbursement to subgrantees is the responsibility of the State. FEMA/EPR will continue to monitor the recovery progress to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

**III. POLICY CHANGE AND IMPLICATION**

This resolution maintains County policy of seeking federal assistance in addressing the costs associated with natural disasters, such as hurricanes.

**IV. ECONOMIC IMPACT**

The resolution will allow the County to seek reimbursement for millions of dollars of disaster relief stemming from Hurricane Rita. Following the significant impact of Hurricane Katrina on August 24, 2005, Miami-Dade County executed a similar disaster relief funding agreement (FEMA-DR-1602-FL) in order to receive funding assistance.

Miami-Dade County is eligible for federal funds for disaster relief activities related to emergency protective measures (Category B) under the Stafford Act, estimated at \$2 million.

**V. COMMENTS AND QUESTIONS**

Federal disaster assistance is particular to each disaster. This resolution applies only to Hurricane Rita; consequently, Miami-Dade County would have to make a separate application for federal assistance for Hurricane Wilma.

## ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
3(B)(2)	Bid Waivers	<ul style="list-style-type: none"> <li>• <b>Item 1.1</b> Fire Rescue General Funds allocation \$5,500,000 for a 5 year term. (Previous contract \$3,716,875) The additional allocation includes an additional helicopter and enhanced services to the maintenance plan. (Sole Source)</li> <li>• <b>Item 1.2</b> Fire Rescue General Funds allocation \$5,000,000 for a 5 year term. (Previous contract \$3,716,875) The additional allocation includes an additional helicopter. (Sole Source)</li> <li>• <b>Item 2.1</b> Fire Rescue Proprietary/District Funds allocation of \$50,000 p/m for a month-to-month extension not to exceed 12 months. The replacement contract was in the process of being awarded when the incumbent vendor, filed a bid protest. Based on the results of the protest hearing, staff recommended rejection of all bids. Staff is finalizing the RFP for the successor contract.</li> <li>• <b>Item 4.1</b> allocates \$9,815,548 for emergency debris removal associated with damages from Hurricane Katrina from various departments' General Funds and Operating Revenue.</li> <li>• <b>Item 4.2</b> Park and Recreation General Funds allocate \$200,000 for the emergency repair of the Power System at Crandon Park Tennis Center. An RFQ was processed and 4 quotes were sought. However, only 1 was received and the award was made to the sole respondent, Tampa Armature Works. The firms that did not respond were: Square D, Eaton Electrical and Siemens Energy and Automation.</li> <li>• <b>Item 4.3</b> Aviation Revenue Funds allocation \$225,000 for the purchase and installation of a new generator. The failed generator was 20 years old and could not be repaired. The new generator was provided by INET Airport Systems.</li> <li>• <b>Item 4.4</b> GSA General Operating Funds allocation \$103,705.45 for the purchase of fuel for County use from Urbietta Oil, Inc. after Hurricane Katrina. The vendor pool on the current fuel contract could not supply the amount needed by the County.</li> <li>• <b>Item 4.5</b> Water and Sewer Operating Revenue allocation \$170,000.</li> </ul>

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		<ul style="list-style-type: none"><li>• <b>Item 4.6</b> Water and Sewer Operating Revenue allocation \$113,844.</li><li>• <b>Item 4.7</b> Aviation Revenue Fund allocations \$104,964.</li><li>• <b>Item 4.8</b> allocates an additional \$33,000,000 to the existing \$26,920,000 for emergency debris removal associated with damages from Hurricanes Katrina and Wilma. There were only 9 firms listed on the County's pre-qualification vendor pool after Hurricane Katrina and as of November 18, 2005, there are 41 firms included in the vendor pool.</li><li>• <b>Item 4.9</b> Transit Operating and PTP Funds \$248,320 to establish an emergency contract to provide diesel fuel for Miami-Dade Transit.</li></ul>
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